THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.11117 of 2006

Dated: 08-06-2006

Mir. Taher Ali.

..... PETITIONER

AND

The Andhra Pradesh State Wakf Board, Hyderabad.

.....RESPONDENT

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.11117 of 2006

ORDER:

The petitioner claims to be the eldest son of Mir Asgar Ali, who was Muttawalli of Ashoorkhana Asthana Asgari, a registered shia wakf. The petitioner claims right of primogeniture being eldest son to be appointed as a successor Muttawalli. When the respondent issued a notification on

20-05-2006, after death of Mir Asgar Ali, calling applications for appointment of Muttawallis and management committees of various wakfs, apprehending that his application made on 13-01-2006 seeking appointment as Muttawalli may not be considered, the present writ petition is filed. The petitioner seeks a direction to the respondents to consider his representation seeking appointment as Muttawalli.

At the stage of admission itself, the learned standing counsel for Andhra Pradesh Wakf Board, Sri Abdul Nazib Khan, submits that the notification issued by the respondent on 20-05-2006 has nothing to do with Ashoorkhana Asthana Asgari. He further submits that insofar as said wakf is concerned, the other claimants have also made applications and respondent-Wakf Board shall conduct enquiry and take a decision as to whether the petitioner or anybody has to be appointed as Muttawalli. Therefore, it would not be proper for this Court to express any opinion as to the right of the petitioner as eldest son to get appointed as Muttawalli.

The writ petition is accordingly disposed of directing the respondent to consider the representation of the petitioner and others and pass appropriate orders within a period of three months from today. No costs.

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V.V.S.RAO, J

8th June, 2006

ghn